IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 23247 of 2007(P)

AGAINST THE ORDER DATED 13/02/2007 IN EP NO.53/06 IN OS.104/2003 of SUB COURT, PALA
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PETITIONER: RESPONDENTS/JUDGMENT DEBTORS
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1. KARUNAKARAN NAIR, S/O. NARAYANAN NAIR, MUDIKKATTU HOUSE, UZHAVOOR P.O., UZHAVOOR KARA, UZHAVOOR VILLAGE.

2. LEELA BHAI, W/O. KARUNAKARAN NAIR, MUDIKKATTU HOUSE, UZHAVOOR P.O., UZHAVOOR KARA, UZHAVOOR VILLAGE.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS: PETITIONER/DECREE HOLDER

THE SOUTH INDIAN BANK LTD., REPRESENTED BY THE BRANCH MANAGER, UZHAVOOR BRANCH, UZHAVOOR VILLAGE.

BY S.C. FOR SIB SRI. K. PRABHAKARAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.23247 OF 2007

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Dated this the 30th day of July, 2007

JUDGMENT

This writ petition is filed challenging the order of the Sub Court, Pala in E.P.No.53 of 2006 in O.S.No.104 of 2003. As per the said order, the learned Sub Judge has directed the writ petitioners to be detained in civil prison for a period of 45 days. After the said order, they had paid an amount of Rs.57,000/- which is evidenced by copies of the receipts. Now they want some breathing time, as they have to take a loan from another bank to discharge the decree debt.

2. Heard the learned standing counsel for the bank also. The decree holder is a scheduled bank and I am certain that their interest is only to get the amount ordered and not to send the petitioners in civil prison. I, therefore, set aside the order of arrest against them and dispose of the writ petition as follows: (1) Writ petitioners shall pay the amount in 5 equal monthly instalments. (2) The first instalment shall be paid on or before 14.9.2007 and thereafter the other instalments on or before 14th of the succeeding English months. If the petitioners commit default of any one of

the instalments, they will be liable to forfeit the benefits granted under this judgment and the bank can request the court to issue arrest warrant against the petitioners.

M.N.KRISHNAN, JUDGE

Cdp/-